

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

In re:

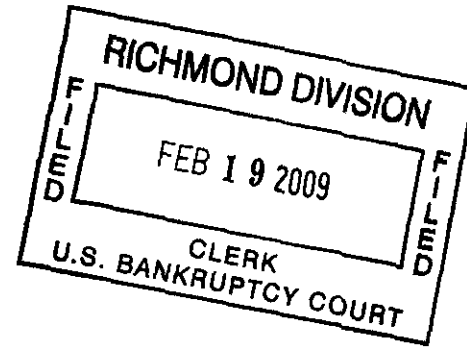
CIRCUIT CITY STORES, INC., *et al.*,  
DEBTOR.

§  
§  
§  
§  
§  
§  
§

CASE NO. 08-35653

CHAPTER 11

Jointly Administered



**SECTION 546(B) NOTICE OF INTEREST IN  
PROPERTY OF CIRCUIT CITY STORES, INC.**

Amore Construction Company ("Amore") files this Section 546(b) Notice of Interest in Property of Circuit City Stores, Inc., respectfully showing the Court as follows:

1. On November 10, 2008 ("Petition Date"), Circuit City Stores, Inc. and its affiliates (the "Debtors") each filed voluntary petitions for relief under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. § 101 *et seq.* (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Eastern Division of Virginia, Richmond Division (the "Bankruptcy Court").
2. From June 24, 2008 through November 5, 2008, Amore furnished labor, services and/or materials necessary to complete the construction of new retail facilities located at 2695 NE 10th Court, Homestead, Florida 33030.
3. From July 21, 2008 through November 5, 2008, Amore furnished labor, services and/or materials necessary to complete the construction of new retail facilities located at 9375 Unit 210, Ben C. Pratt Six Mile Cypress Parkway, Ft. Myers, Florida 33961.
4. From June 26, 2008 through October 27, 2008, Amore furnished labor, services and/or material necessary to complete the construction of new retail facilities located at 8551

Cooper Creek Boulevard, Sarasota, Florida 34201. (The retail facilities referenced herein shall be referred to collectively as the "Properties").

5. The Properties are more specifically described in the Amended Claims of Lien, and the attachments affixed thereto, as Exhibit 1, and were filed in the public records of Miami Dade County, Florida, Manatee County, Florida, and Lee County, Florida.

6. As set forth more particularly in Exhibit 1, Amore furnished the aforementioned labor, services and/or materials between June 2008 through November 2008 pursuant to the contracts between Amore and the Debtor.

7. The aggregate principal amount of Amore's lien, as more fully supported by the Claims of Lien attached hereto as Exhibit 1, is \$886,062.30, plus interest, costs and attorneys fee.

8. Though Amore believes that the above-described liens are properly perfected and that no further notice is required, out of an abundance of caution, and pursuant to § 546(b) of the Bankruptcy Code, Amore hereby files this notice.

9. All of the labor, services, and/or materials furnished by Amore to the Properties were provided during the period June 2008 through November 2008. Pursuant to Fla. Stat. §713.08(5), in order to perfect its liens, Amore has 90 days from the date Amore last performed labor, services or materials to file its Claim of Lien in the public records of the county in which the work was performed, and pursuant to Fla. Stat. §713.22, one year to commence legal action to foreclose its interest on such Claim of Lien.

10. Pursuant to §546(b) of the Bankruptcy Code, notice must be given within the time allowed under state law for perfection of an interest in property. Because this Notice is being filed within such time, this Notice is timely.

WHEREFORE, Amore respectfully requests that this Court accept this Notice of Interest

in property of Circuit City Stores, Inc., and grant such other and further relief to which Amore is entitled.

Respectfully submitted this 9<sup>th</sup> day of February, 2009.

By: /s/ John J. Lamoureux  
John J. Lamoureux  
Florida Bar No. 835218  
Carlton Fields, P.A.  
4221 West Boy Scout Blvd.  
Suite 1000  
Tampa, FL 33607-5780  
Phone: (813) 223-7000  
Facsimile: (813) 229-4133  
E-Mail: [jlamoureux@carltonfields.com](mailto:jlamoureux@carltonfields.com)

Attorneys for Amore Construction Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served by United States mail postage prepaid on this 9<sup>th</sup> day of February, 2009, to the parties listed below.

Counsel to the Debtors

Gregg M. Galardi, Esq.  
Ian S. Fredericks, Esq.  
Skadden, Arps, Slate, Meagher & Flom, LLP  
One Rodney Square  
P.O. Box 636  
Wilmington, DE 19899-0636

Counsel to the Debtors

Dion W. Hayes, Esq.  
Douglas M. Foley, Esq.  
McGuire Woods LLP  
One James Center  
901 E. Cary Street  
Richmond, VA 23219

Counsel to the Debtors

Chris L. Dickerson, Esq.  
Skadden, Arps, Slate, Meagher & Flom, LLP  
333 West Wacker Drive  
Suite 2000  
Chicago, IL 60606

United States Trustee

Robert B. Van Arsdale, Esq.  
Office of the United States Trustee  
Richmond, Virginia Office  
701 East Broad Street, Suite 4304  
Richmond, VA 23219-1888

/s/ John J. Lamoureux

Attorney

Recorded at the request of and  
to be Returned to:  
Angela M. Covington, Esq.  
Carey, O'Malley, Whitaker & Mueller, P.A.  
712 South Oregon Avenue  
Tampa, Florida 33606

**RECORDER'S USE ONLY**

**WARNING!**

**THIS LEGAL DOCUMENT REFLECTS THAT A CONSTRUCTION LIEN HAS BEEN PLACED ON THE REAL PROPERTY LISTED HEREIN. UNLESS THE OWNER OF SUCH PROPERTY TAKES ACTION TO SHORTEN THE TIME PERIOD, THIS LIEN MAY REMAIN VALID FOR ONE YEAR FROM THE DATE OF RECORDING, AND SHALL EXPIRE AND BECOME NULL AND VOID THEREAFTER UNLESS LEGAL PROCEEDINGS HAVE BEEN COMMENCED TO FORECLOSE OR TO DISCHARGE THIS LIEN.**

**AMENDED CLAIM OF LIEN**

**(Amends Claim of Lien Recorded at Book 2278, Page 4476)**

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

Before me, the undersigned notary public, personally appeared MICHAEL N. QUARLES, who was duly sworn and says that he is the Vice President of the licnor herein AMORE CONSTRUCTION COMPANY whose address is 8409 Laurel Fair Circle, Suite 103, Tampa, Florida 33610 and that in accordance with a contract with CIRCUIT CITY STORES, INC., licnor furnished labor, services or materials consisting of:

General Construction Services in connection  
with the construction of a Circuit City store,

on the following described real property in Manatee County, Florida:

Sec Exhibit "A" annexed hereto;

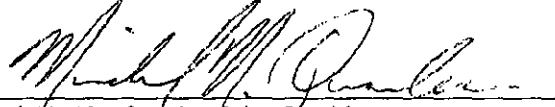
owned by CIRCUIT CITY STORES, INC. (leaseholder) and RB-3 ASSOCIATES, THE RANDALL BENDERSON 1993-1 TRUST and WR-I ASSOCIATES, LTD. (fee owners as tenants in common)

of a total value of \$432,473.00, of which there remains unpaid \$43,941.20\* and furnished the first  
of the items on June 26, 2008 and the last of the items on October 27, 2008.

\*In addition to the principal amount, there is interest, costs and attorneys' fees due.

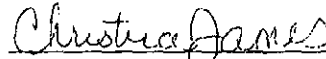
AMORE CONSTRUCTION CORPORATION

By:

  
Michael N. Quarles, Vice President

Sworn to and subscribed before me this 20<sup>th</sup> day of January, 2009, by Michael N. Quarles,  
as Vice President of Amore Construction Company.



  
Notary Public, State of Florida  
My Commission Expires:

Personally known:      OR Produced Identification ✓

Type of Identification Produced: Driver License

Copies furnished by Certified Mail/Return Receipt Requested to:

Circuit City Stores, Inc.  
9950 Maryland Drive  
Richmond, Virginia 23233  
Certified Mail/Return Receipt Requested  
Requested #: 7008 1300 0001 0271 6545

RB-3 Associates  
570 Delaware Avenue  
Buffalo, New York 14202  
Certified Mail/Return Receipt Requested  
Requested #: 7008 1300 0001 0271 8334

Ronald Benderson, Trustee  
David H. Baldauf, Trustee  
Randall Benderson 1993-1 Trust  
570 Delaware Avenue  
Buffalo, New York 14202  
Certified Mail/Return Receipt Requested  
Requested #: 7008 1300 0001 0271 8341

WR-I Associates, Ltd.  
8441 Cooper Creek Boulevard  
University Park, Florida 34201  
Certified Mail/Return Receipt Requested  
Requested #: 7008 1300 0001 0271 8358

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LEGAL DESCRIPTION OF THE SHOPPING CENTER

PARCEL 1:

From the Southwest corner of Section 38, Township 35 South, Range 18 East; run South 89° 24' 05" East, along the South line of said Section 38, a distance of 2317.60 feet; thence North 00° 20' 30" West, a distance of 214.42 feet to the Northerly right of way line of University Parkway; thence North 00° 20' 30" West along the West line of the property described in Official Records Book 1254, page 3388, a distance of 332.99 feet to the Point of Beginning; thence continuing North 00° 20' 30" West, along said West line, a distance of 637.86 feet to the centerline of Cooper Creek, thence Northeastly along said centerline, the following Seventeen Courses: North 58° 29' 03" East, a distance of 322.23 feet; thence North 47° 06' 04" East, a distance of 88.83 feet; thence North 30° 05' 29" East, a distance of 40.48 feet; thence South 83° 30' 12" East, a distance of 28.97 feet; thence North 18° 28' 02" East, a distance of 27.76 feet; thence North 09° 20' 57" West, a distance of 31.12 feet; thence North 32° 50' 07" East, a distance of 18.55 feet; thence North 58° 48' 38" East, a distance of 25.18 feet; thence North 28° 38' 23" East, a distance of 81.37 feet; thence North 21° 27' 52" East, a distance of 21.64 feet; thence North 68° 35' 29" East, a distance of 45.72 feet; thence South 78° 45' 06" East, a distance of 21.75 feet; thence North 89° 59' 03" East, a distance of 58.81 feet; thence North 30° 24' 28" East, a distance of 21.51 feet; thence North 72° 35' 51" East, a distance of 27.63 feet; thence South 49° 47' 16" East, a distance of 22.59 feet; thence South 63° 39' 05" East, a distance of 24.20 feet to the West line of the East 1/2 of said Section 38; thence South 00° 27' 10" West, along said West line, a distance of 277.38 feet to the Northerly line of the property recorded in Official Records Book 1254, page 3388; thence North 48° 00' 00" East, along said Northerly line, a distance of 440.29 feet; thence North 00° 27' 10" East, along the Westerly line of property recorded in Official Records Book 1254, page 3388, a distance of 651.45 feet; thence continuing North 00° 27' 10" East, a distance of 229.18 feet to the centerline of Cooper Creek; thence Northeastly along said centerline the following eleven courses: North 35° 23' 48" East, a distance of 107.81 feet; thence North 58° 01' 41" East, a distance of 234.27 feet; thence North 12° 30' 00" West, a distance of 88.00 feet; thence North 53° 30' 40" East, a distance of 232.74 feet; thence North 52° 03' 23" East, a distance of 50.19 feet; thence North 39° 58' 18" East, a distance of 81.12 feet; thence North 79° 39' 22" East, a distance of 53.57 feet; thence North 68° 18' 11" East, a distance of 121.18 feet; thence North 85° 46' 24" East, a distance of 52.01 feet; thence South 54° 55' 31" East, a distance of 138.30 feet; thence North 78° 22' 14" East, a distance of 39.56 feet to the Westerly limited access right of way line of I-75; thence Southly and Westerly along said limited access right of way line, (a portion of said limited access right of way line is also the Easterly and Southerly line of property described in Official Records Book 1254, page 3388), the following eight courses: South 13° 40' 31" East, a distance of 916.80 feet; thence South 02° 40' 31" East, a distance of 518.74 feet to the P.C. of a curve to the right whose radius point lies South 80° 19' 29" West, a distance of 8180.04 feet; thence Southerly along the arc of said curve to the right, a distance of 638.55 feet through a central angle of 11° 30' 18" to the end of said curve; thence South 04° 37' 05" West, a distance of 450.00 feet to the P.C. of a curve to the right whose radius point lies North 85° 22' 54" West, a distance of 218.00 feet; thence Southwesterly along the arc of said curve to the right, a distance of 316.44 feet through a central angle of 63° 40' 21" to the P.T. of said curve; thence South 88° 17' 27" West, a distance of 628.42 feet; thence North 89° 25' 07" West, a distance of 288.24 feet; thence South 00° 34' 53" West, a distance of 2.00 feet to the Northerly right of way line of University Parkway (S.R. 610); thence Westerly along said Northerly right of way line, the following three courses: North 89° 28' 07" West, a distance of 440.34 feet; thence North 88° 24' 06" West, a distance of 7.53 feet to the P.O. of a curve to the left whose radius point lies South 00° 36' 54" West, a distance of 6835.58 feet; thence Westerly along the arc of said curve to the left, a distance of 185.63 feet through a central angle of 01° 37' 04"; thence North 00° 28' 00" West, a distance of 278.47 feet to the P.C. of a curve to the right whose radius point lies North 89° 34' 00" East, a distance of 720.00 feet; thence Northerly along the arc of said curve to the right, a distance of 50.24 feet through a central angle of 03° 58' 51"; thence South 88° 34' 00" West, a distance of 220.18 feet to the Point of Beginning, lying and being in Section 38, Township 35 South, Range 18 East, Manatee County, Florida.

PARCEL 2:

Together with non-exclusive easements for the benefit of Parcel 1 set forth in Termination Agreement and Grant and Reservation of Easements, Licenses and Servitudes between County Line Road Associates, Ltd., a Florida limited partnership, and SOS Associates, Ltd., a Pennsylvania limited partnership, as recorded in Official Records Book 1337, page 463; as amended by Amendment recorded in Official Records Book 1385, page 6528 and by Release of Easement Rights and Consent recorded in Official Records Book 1500, page 262, of the Public Records of Manatee County,

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Florida, for the purposes described in said instruments over the lands described therein. Assignment and Assumption Agreement, recorded in Official Records Book 1687, Page 7316, Memorandum of Agreement, recorded in Official Records Book 1676, Page 3466, and Revocation of Dedication recorded in Official Records Book 1688, Page 6134, and modified by Easement Modification recorded in Official Records Book 1689, Page 6140, and Affidavit filed in Official Records Book 1607, page 7317, Public Records of Manatee County, Florida.

**PARCEL 3:**

Together with non-exclusive easements for the benefit of Parcel 1 pursuant to Right-of-Way Consent Agreement by and between SOS Associates, Ltd., and Florida Power & Light Company, dated May 20, 1991, and recorded in Official Records Book 1637, page 482, Public Records of Manatee County, Florida, for the purposes described in said instrument over the lands described therein.

**LESS AND EXCEPT:**

(BJ's)  
A parcel of land located in Section 36, Township 35 South, Range 18 East, Manatee County, Florida, described as follows:

Commence at the Southwest corner of said Section 36; thence North 65° 15' 02" East, a distance of 3,781.88 feet to a point on the Easterly right-of-way line of Cooper Creek Boulevard, a 120 foot wide non-exclusive ingress/egress vehicular, pedestrian & utility easement as recorded in Official Records Book 1337, page 483 of the Public Records of Manatee County, Florida, said point also being the Point of Beginning and a point on the arc of a curve to the left, whose radius point bears North 63° 12' 00" West, a distance of 1,220.00 feet; thence Northerly, along said Easterly right-of-way line of Cooper Creek Boulevard, the following three (3) courses: 1) Northerly, along the arc of said curve to the left, through a central angle of 28° 50' 59", a distance of 571.71 feet to a point of reverse curvature of a curve to the right, having a radius of 750.00 feet; thence 2) Northerly, along the arc of said curve to the right, through a central angle of 21° 57' 52", a distance of 287.51 feet to a point of reverse curvature of a curve to the left, having a radius of 750.00 feet; thence 3) Northerly, along the arc of said curve to the left, through a central angle of 02° 12' 27", a distance of 28.90 feet; thence North 90° 00' 00" East, a distance of 440.81 feet to a point on the Westerly right-of-way line of Interstate 75 (State Road 93 - Florida Department of Transportation Section 1307B-2402); thence Southeasterly, along said Westerly right-of-way line of Interstate 75, the following three (3) courses: 1) South 19° 40' 31" East, a distance of 388.10 feet; thence 2) South 09° 40' 31" East, a distance of 518.74 feet to a point of curvature of a curve to the right, having a radius of 3,180.04 feet; thence 3) Southeasterly, along the arc of said curve to the right, through a central angle of 00° 25' 57", a distance of 24.00 feet; thence South 84° 48' 00" West, a distance of 224.98 feet; thence North 09° 20' 16" West, a distance of 118.42 feet; thence South 90° 00' 00" West, a distance of 85.44 feet to a point of curvature of a curve to the left, having a radius of 64.00 feet; thence Southwesterly, along the arc of said curve to the left, through a central angle of 80° 00' 00", a distance of 100.53 feet to a point of tangency; thence South 00° 00' 00" East, a distance of 14.58 feet; thence South 80° 00' 00" West, a distance of 101.63 feet; thence North 00° 00' 00" West, a distance of 60.00 feet; thence South 90° 00' 00" West, a distance of 200.00 feet; thence South 23° 38' 00" West, a distance of 76.00 feet; thence North 63° 12' 02" West, a distance of 94.00 feet to aforesaid Easterly right-of-way line of Cooper Creek Boulevard and the Point of Beginning.

**LESS AND EXCEPT**

COOPER CREEK TOURIST CENTER  
HOTEL PARCEL 1A

A parcel of land located in Section 36, Township 35 South, Range 18 East, Manatee County, Florida, described as follows:

Commence at the Southwest corner of said Section 36; thence South 89° 24' 27" East, along the South line of said Section 36, a distance of 2,537.17 feet; thence North 00° 28' 00" West, a distance of 224.72 feet to the intersection of the North Right-of-Way line of University Parkway and the Westerly Right-of-Way line of Cooper Creek Boulevard; thence

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Northerly, along said Westerly Right-of-Way line of Cooper Creek Boulevard, the following two (2) courses: 1) continue North  $00^{\circ} 28' 00''$  West, a distance of 276.47 feet to the Point of Curvature of a curve to the right, having a radius of 720.00 feet; thence 2) Northerly, along the arc of said curve to the right, through a central angle of  $05^{\circ} 40' 28''$ , a distance of 71.31 feet; thence South  $89^{\circ} 34' 00''$  West, a distance of 221.94 feet to the Point of Beginning; thence continue South  $89^{\circ} 34' 00''$  West, a distance of 216.08 feet; thence North  $00^{\circ} 28' 00''$  West, a distance of 223.00 feet; thence North  $89^{\circ} 34' 00''$  East, a distance of 112.00 feet; thence South  $45^{\circ} 28' 00''$  East, a distance of 31.50 feet; thence North  $89^{\circ} 34' 00''$  East, a distance of 81.12 feet; thence South  $00^{\circ} 20' 30''$  East, a distance of 206.73 feet to the Point of Beginning.

Lying and being in Section 36, Township 35 South, Range 18 East, Manatee County, Florida.

LESS AND EXCEPT

COOPER CREEK TOURIST CENTER  
HOTEL PARCEL 1-B

A parcel of land located in Section 36, Township 35 South, Range 18 East, Manatee County, Florida, described as follows:

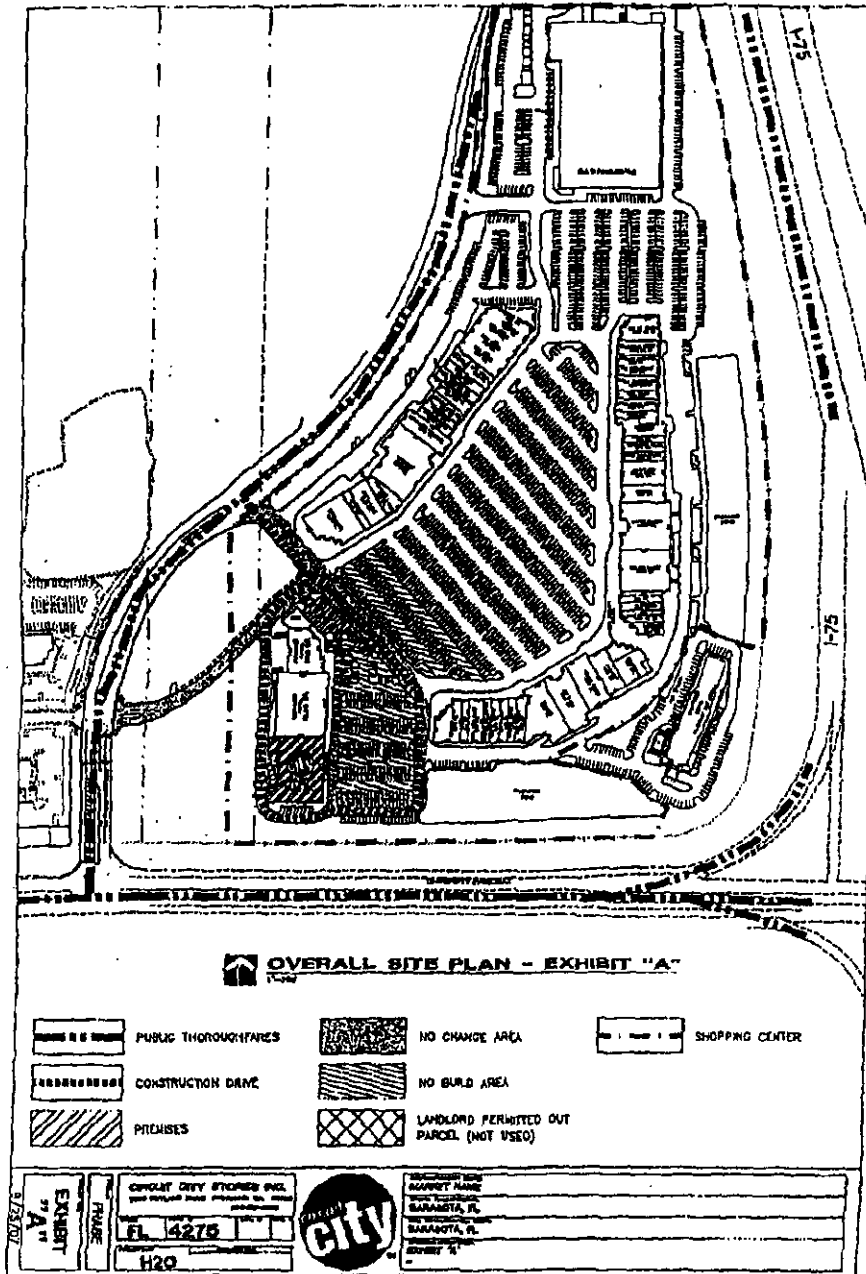
Commence at the Southwest corner of said Section 36; thence South  $89^{\circ} 24' 27''$  East, along the South line of said Section 36, a distance of 2,537.17 feet; thence North  $00^{\circ} 28' 00''$  West, a distance of 224.72 feet to the intersection of the North Right-of-Way line of University Parkway and the Westerly Right-of-Way line of Cooper Creek Boulevard; thence Northerly, along said Westerly Right-of-Way line of Cooper Creek Boulevard, the following three (3) courses: 1) continue North  $00^{\circ} 28' 00''$  West, a distance of 276.47 feet to the Point of Curvature of a curve to the right, having a radius of 720.00 feet; thence 2) Northerly, along the arc of said curve to the right, through a central angle of  $05^{\circ} 40' 28''$ , a distance of 71.31 feet to the Point of Beginning; thence 3) continue along the arc of said curve to the right, through a central angle of  $14^{\circ} 35' 36''$ , a distance of 163.38 feet; thence North  $72^{\circ} 38' 00''$  West, a distance of 63.24 feet; thence South  $89^{\circ} 34' 00''$  West, a distance of 173.88 feet; thence South  $00^{\circ} 20' 30''$  East, a distance of 206.73 feet; thence North  $89^{\circ} 34' 00''$  East, a distance of 221.94 feet to the Point of Beginning.

Lying and being in Section 36, Township 35 South, Range 18 East, Manatee County, Florida.

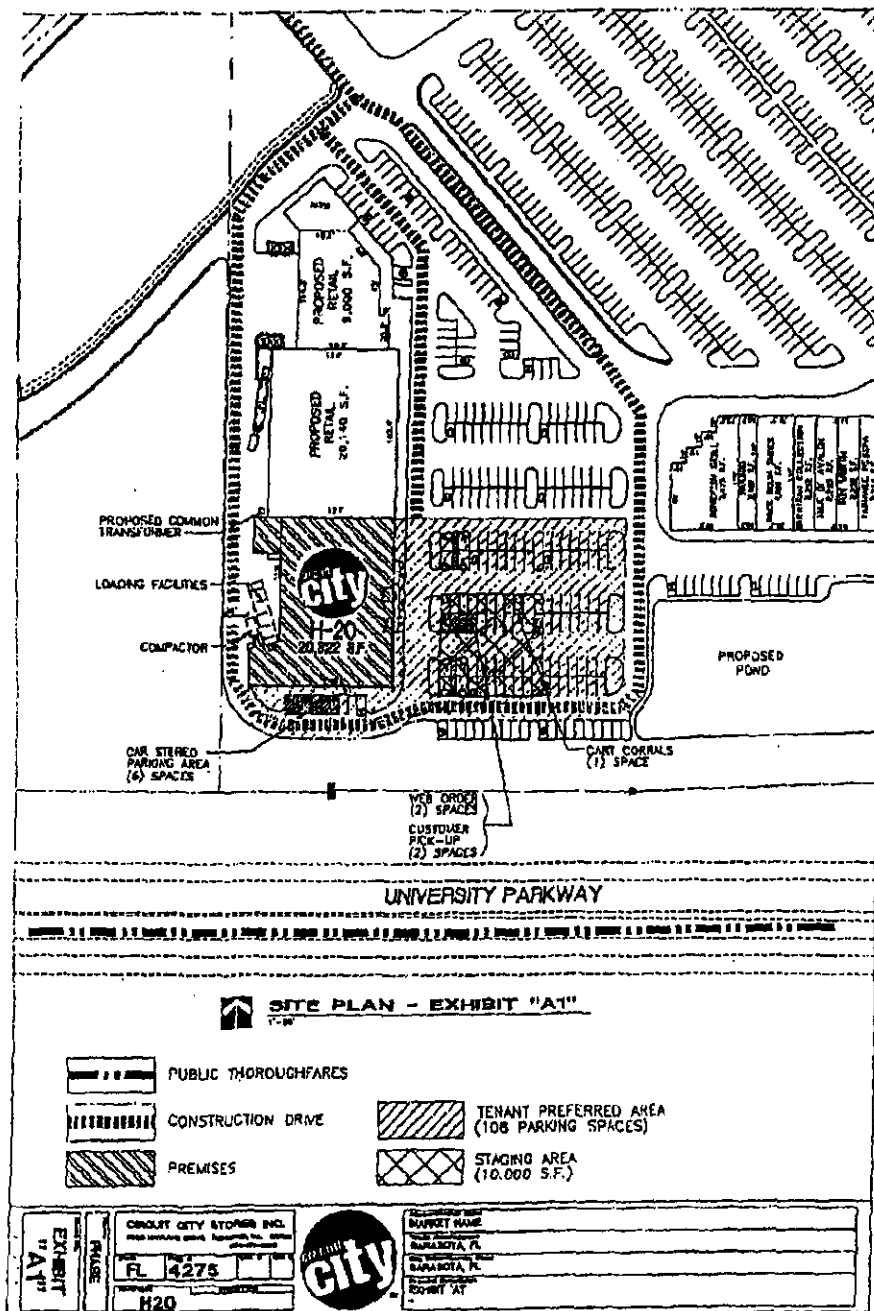
NOTE: The above being conveyed to Buffalo - Cooper Creek, LLC by Warranty Deeds recorded March 3, 2003 in Official Records Book 1807, page 7326, and filed in Official Records Book 1807, page 7331, Public Records of Manatee County, Florida.



BK 2264 PG 6913 (5 of 6)



BK 2264 PG 6914 Filed & Recorded 6/26/08 2:48:37 PM  
 R. B. "CHIPS" SHORE Clerk of Circuit Court Manatee County FL. (6 of 6)



Recorded at the request of and  
to be Returned to:  
Angela M. Covington, Esq.  
Carey, O'Malley, Whitaker & Mueller, P.A.  
712 South Oregon Avenue  
Tampa, Florida 33606

I CERTIFY THIS DOCUMENT TO BE A  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE  
CHARLIE GREEN, CLERK OF CIRCUIT COURT,  
STATE OF FLORIDA, COUNTY OF LEE

☐ REDACTED COPY PER F.S.119.071

BY: Joanne Miller  
DATED: 1-21-09 Deputy Clerk

RECORDER'S USE ONLY



**WARNING!**

THIS LEGAL DOCUMENT REFLECTS THAT A CONSTRUCTION LIEN HAS BEEN  
PLACED ON THE REAL PROPERTY LISTED HEREIN. UNLESS THE OWNER OF  
SUCH PROPERTY TAKES ACTION TO SHORTEN THE TIME PERIOD, THIS LIEN  
MAY REMAIN VALID FOR ONE YEAR FROM THE DATE OF RECORDING, AND  
SHALL EXPIRE AND BECOME NULL AND VOID THEREAFTER UNLESS LEGAL  
PROCEEDINGS HAVE BEEN COMMENCED TO FORECLOSE OR TO DISCHARGE  
THIS LIEN.

**AMENDED CLAIM OF LIEN**

(Amends Claim of Lien Recorded as Instrument Number 2008000292332)

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

Before me, the undersigned notary public, personally appeared MICHAEL N. QUARLES,  
who was duly sworn and says that he is the Vice President of the lienor herein AMORE  
CONSTRUCTION COMPANY whose address is 8409 Laurel Fair Circle, Suite 103, Tampa, Florida  
33610 and that in accordance with a contract with CIRCUIT CITY STORES, INC. lienor furnished  
labor, services or materials consisting of:

General Construction Services in connection  
with the construction of a Circuit City store,

on the following described real property in Lee County, Florida:

See Exhibit "A" annexed hereto;

owned by CIRCUIT CITY STORES, INC. (leaseholder) and COLONIAL SQUARE ASSOCIATES,  
LLC (fee owner) of a total value of \$459,974.00, of which there remains unpaid \$287,128.10\* and

furnished the first of the items on July 21, 2008 and the last of the items on November 5, 2008.

\*In addition to the principal amount, there is interest, costs and attorneys' fees due.

AMORE CONSTRUCTION CORPORATION

By:

  
Michael N. Quarles, Vice President



Sworn to and subscribed before me this 20<sup>th</sup> day of January, 2009, by Michael N. Quarles, as Vice President of Amore Construction Company.



  
Christina James  
Notary Public, State of Florida  
My Commission Expires:

Personally known: \_\_\_\_\_ OR Produced Identification ☒

Type of Identification Produced: Driver License

Copies furnished by Certified Mail/Return Receipt Requested to:

Mr. Thomas G. Drapac  
Circuit City Stores, Inc.  
9950 Maryland Drive  
Richmond, Virginia 23233  
Certified Mail/Return Receipt Requested  
Requested #: 7008 1300 0001 0271 6583

Colonial Square Associates, LLC  
8441 Cooper Creek Blvd.  
University Park, Florida 34201  
Certified Mail/Return Receipt Requested  
Requested #: 7008 1300 0001 0271 6590

Colonial Square Associates, LLC  
9930 Laurel Valley Avenue Circle  
Bradenton, FL 34202  
Certified Mail/Return Receipt Requested  
Requested #: 7008 1300 0001 0271 5333

INSTR # 2008000199987 Page Number: 2 of 4



ALL THAT PART of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 33, Township 44 South, Range 15 East, Lee County, Florida, lying Easterly of the right-of-way for Sea C. Pratt/Six Mile Cypress Parkway:

TOGETHER WITH, a portion of land lying in Section 34, Township 44 South, Range 25 East, Lee County, Florida, and being more particularly described as follows:

COMMENCING at the intersection of the centerlines of Six Mile Cypress Parkway (250 ft. right-of-way) and Challenger Boulevard (150 ft. right-of-way); thence N. 89° 04' 29" E., 123.00 feet to the Easterly right-of-way of Six Mile Cypress Parkway;

Thence, N. 89° 04' 29" E., 1196.99 feet and to the POINT OF BEGINNING;

Thence, N. 00° 47' 48" W., 1354.84 feet along said Westerly line;

Thence leaving said Westerly line, N 88° 42' 10" E., 716.85 feet;

Thence S. 00° 48' 05" E., 738.84 feet;

Thence S. 21° 49' 23" W., 590.69 feet;

Thence S. 80° 15' 59" W., 495.71 feet to the POINT OF BEGINNING.

Said additional parcel contains 20.09 acres, more or less.

Exhibit "A"





CFN 2009R0043757  
DR Bk 26723 Pgs 3675 - 36837 (9pgs)  
RECORDED 01/21/2009 11:17:06  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

Recorded at the request of and  
to be Returned to:

Angela M. Covington, Esq.  
Carey, O'Malley, Whitaker & Mueller, P.A.  
712 South Oregon Avenue  
Tampa, Florida 33606

**RECORDER'S USE ONLY**

**WARNING!**

**THIS LEGAL DOCUMENT REFLECTS THAT A CONSTRUCTION LIEN HAS BEEN PLACED ON THE REAL PROPERTY LISTED HEREIN. UNLESS THE OWNER OF SUCH PROPERTY TAKES ACTION TO SHORTEN THE TIME PERIOD, THIS LIEN MAY REMAIN VALID FOR ONE YEAR FROM THE DATE OF RECORDING, AND SHALL EXPIRE AND BECOME NULL AND VOID THEREAFTER UNLESS LEGAL PROCEEDINGS HAVE BEEN COMMENCED TO FORECLOSE OR TO DISCHARGE THIS LIEN.**

**AMENDED CLAIM OF LIEN**

**(Amends Claim of Lien Recorded at Book 26642, Page 0218)**

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

Before me, the undersigned notary public, personally appeared MICHAEL N. QUARLES, who was duly sworn and says that he is the Vice President of the lienor herein AMORE CONSTRUCTION COMPANY whose address is 8409 Laurel Fair Circle, Suite 103, Tampa, Florida 33610 and that in accordance with a contract with CIRCUIT CITY STORES, INC., lienor furnished labor, services or materials consisting of:

General Construction Services in connection  
with the construction of a Circuit City store,

on the following described real property in Miami-Dade County, Florida:

See Exhibit "A" annexed hereto;

owned by CIRCUIT CITY STORES, INC. (leaseholder) and DDR HOMESTEAD, LLC (fee owner)  
of a total value of \$985,904.00, of which there remains unpaid \$554,993.00\* and furnished the first

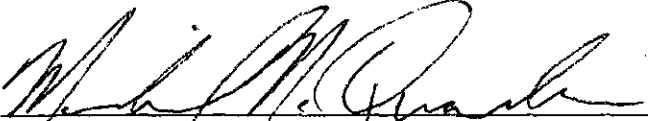


of the items on June 24, 2008 and the last of the items on November 5, 2008.

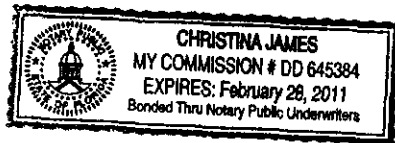
\*In addition to the principal amount, there is interest, costs and attorneys' fees due.

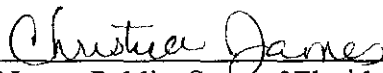
AMORE CONSTRUCTION CORPORATION

By:

  
Michael N. Quarles, Vice President

Sworn to and subscribed before me this 20<sup>th</sup> day of January, 2009, by Michael N. Quarles,  
as Vice President of Amore Construction Company.



  
Notary Public, State of Florida  
My Commission Expires:

Personally known:      OR Produced Identification   ✓  

Type of Identification Produced: Driver License

Copies furnished by Certified Mail/Return Receipt Requested to:

Mr. Thomas G. Drapac  
Circuit City Stores, Inc.  
9950 Maryland Drive  
Richmond, Virginia 23233  
Certified Mail/Return Receipt Requested  
Requested #: 7008 1300 0001 0271 6576

Developers Diversified Realty Corporation  
3300 Enterprise Parkway  
Beachwood, OH 44100  
Certified Mail/Return Receipt Requested  
Requested #: 7008 1300 0001 0271 6569

DDR Homestead, LLC  
3300 Enterprise Parkway  
Beachwood, OH 44122  
Certified Mail/Return Receipt Requested  
Requested #: 7008 1300 0001 0271 6552

Legal Description of the Shopping Center

**KOHL'S TRACT**

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 57 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY

DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE NORTH 01°20'53" WEST ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 9 FOR 394.50 FEET; THENCE NORTH 83°33'38" EAST, ON A LINE RADIAL TO THE NEXT DESCRIBED CURVE, 185.37 TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LIMIT OF NEWTON ROAD (S.W. 157TH AVENUE) (N.E. 22ND AVENUE), A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE WEST AND THE POINT OF BEGINNING; THENCE ON SAID EASTERLY RIGHT-OF-WAY LIMIT THE FOLLOWING 5 NUMBERED COURSES AND DISTANCES: 1) NORTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2,008.50 FEET AND A CENTRAL ANGLE OF 09°36'07" AN ARC DISTANCE OF 336.59 FEET; 2) NORTH 73°57'36" EAST 29.23 FEET; 3) NORTH 17°21'18" WEST 98.16 FEET; 4) SOUTH 74°12'04" WEST 27.99 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE EAST, THE RADIUS POINT OF WHICH BEARS NORTH 74°12'19" EAST; 5) NORTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1,928.50 FEET AND A CENTRAL ANGLE OF 08°44'03" AN ARC DISTANCE OF 293.98 FEET; THENCE NORTH 78°07'11" EAST 443.45 FEET; THENCE SOUTH 17°21'18" EAST 292.05 FEET; THENCE SOUTH 01°15'34" EAST 280.55 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWEST; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 8.00 FEET AND A CENTRAL ANGLE OF 87°51'46" AN ARC DISTANCE OF 12.27 FEET; THENCE SOUTH 68°45'37" WEST 78.41 FEET; THENCE SOUTH 01°23'28" EAST 172.18 FEET; THENCE SOUTH 88°44'26" WEST 16.18 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHEAST; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2.50 FEET AND A CENTRAL ANGLE OF 89°41'03" AN ARC DISTANCE OF 3.91 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°56'37" EAST 29.82 FEET; THENCE SOUTH 88°43'23" WEST 264.91 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTH; THENCE WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 34.50 FEET AND A CENTRAL ANGLE OF 27°25'42" AN ARC DISTANCE OF 16.52 TO THE POINT OF BEGINNING.

CONTAINING 313,204 SQUARE FEET, 7.1902 ACRES.

SAID TRACT OF LAND ALSO KNOWN AS TRACT "A" OF THE PLAT TITLED "HOMESTEAD PAVILION" RECORDED IN PLAT BOOK 167 AT PAGE 17.

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**DEVELOPER TRACT**

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 57 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE NORTH 01°20'53" WEST ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 9 FOR 1,318.09 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 9; THENCE NORTH 88°43'27" EAST ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 9 FOR 40.00 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LIMIT OF NEWTON ROAD (S.W. 157TH AVENUE) (N.E. 22ND AVENUE), RECORDED IN OFFICIAL RECORDS BOOK 18508, PAGE 566 OF THE PUBLIC RECORDS OF SAID COUNTY AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°43'27" EAST ON SAID NORTH LINE 1,939.51 FEET; THENCE SOUTH 01°16'33" EAST 634.76 FEET; THENCE SOUTH 47°56'14" EAST 35.80 FEET; THENCE SOUTH 51°06'10" EAST 87.26 FEET; THENCE SOUTH 57°53'06" WEST 55.47 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWEST; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 600.00 FEET AND A CENTRAL ANGLE OF 29°39'48" AN ARC DISTANCE OF 310.63 FEET TO A POINT OF TANGENCY; THENCE SOUTH 87°32'55" WEST 831.30 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEAST; THENCE NORTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 80°29'38" AN ARC DISTANCE OF 70.24 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE EAST; THENCE NORTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 212.50 FEET AND A CENTRAL ANGLE OF 02°47'40" AN ARC DISTANCE OF 10.36 FEET; THENCE SOUTH 89°50'54" WEST 60.47 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWEST, THE RADIUS POINT OF WHICH BEARS NORTH 72°05'30" WEST; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 140.00 FEET AND A CENTRAL ANGLE OF 41°15'12" AN ARC DISTANCE OF 100.80 FEET; THENCE SOUTH 10°20'03" EAST 14.22 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTH, THE RADIUS POINT OF WHICH BEARS NORTH 23°05'46" WEST; THENCE WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 199.50 FEET AND A CENTRAL ANGLE OF 07°12'06" AN ARC DISTANCE OF 25.08 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTH; THENCE WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 599.50 FEET AND A CENTRAL ANGLE OF 14°37'03" AN ARC DISTANCE OF 152.95 FEET TO A POINT OF TANGENCY; THENCE SOUTH 88°43'23" WEST 83.31 FEET; THENCE NORTH 00°56'37" WEST 29.82 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHEAST; THENCE NORTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2.50 FEET AND A CENTRAL ANGLE OF 89°41'03" AN ARC DISTANCE OF 3.91 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°44'26" EAST 16.18 FEET; THENCE NORTH 01°23'28" WEST 172.18 FEET; THENCE NORTH 68°45'37" EAST 78.41 FEET TO A POINT ON THE ARC OF A

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CIRCULAR CURVE, CONCAVE NORTHWEST, THE RADIUS POINT OF WHICH BEARS NORTH 03°23'48" WEST THENCE NORTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 8.00 FEET AND A CENTRAL ANGLE OF 87°51'46" AN ARC DISTANCE OF 12.27 FEET TO A POINT OF TANGENCY; THENCE NORTH 01°15'34" WEST 280.55 FEET; THENCE NORTH 17°21'18" WEST 292.05 FEET; THENCE SOUTH 78°07'11" WEST 443.45 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED EAST RIGHT-OF-WAY LIMIT OF NEWTON ROAD (S.W. 157TH AVENUE) (N.E. 22ND AVENUE), A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE EAST, THE RADIUS POINT OF WHICH BEARS NORTH 82°56'22" EAST; THENCE NORTHERLY ON SAID RIGHT-OF-WAY LIMIT AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1,928.50 FEET AND A CENTRAL ANGLE OF 05°42'43" AN ARC DISTANCE OF 192.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,295,309 SQUARE FEET, 29.7362 ACRES.

EXCLUDING THEREFROM SUCH AREA DESIGNATED AS "PHASE I OUTPARCEL" ON EXHIBIT B HERETO.

SAID TRACT OF LAND ALSO KNOWN AS TRACT "B" OF THE PLAT TITLED "HOMESTEAD PAVILION" RECORDED IN PLAT BOOK 167 AT PAGE 17.

**SOUTHERN OUTPARCEL #1:**

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 57 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE NORTH 88°53'07" WEST ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 9 FOR 191.63 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LIMIT OF NEWTON ROAD (S.W. 157TH AVENUE) (N.E. 22ND AVENUE); THENCE NORTH 01°06'53" WEST ON SAID SOUTHERLY EXTENSION 98.25 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LIMIT OF CAMPBELL DRIVE (S.W. 312TH STREET) (N.E. 8TH STREET), RECORDED IN OFFICIAL RECORDS BOOK 7653, PAGE 916 OF THE PUBLIC RECORDS OF SAID COUNTY, THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°06'53" WEST ON SAID EAST RIGHT-OF-WAY LIMIT, AS RECORDED IN OFFICIAL RECORDS BOOK 18508, PAGE 566 OF THE PUBLIC RECORDS OF SAID COUNTY, 125.99 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE WEST, THE RADIUS POINT OF WHICH BEARS SOUTH 88°54'57" WEST; THENCE NORTHERLY ON SAID EAST RIGHT-OF-WAY LIMIT AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2008.50 FEET AND A CENTRAL ANGLE OF 04°06'33" AN ARC DISTANCE OF 144.04 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTH-EAST, THE RADIUS POINT OF WHICH BEARS SOUTH 37°35'19" EAST; THENCE NORTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 34.50 FEET AND A CENTRAL ANGLE OF 09°03'10" AN ARC DISTANCE OF 5.65 FEET TO A POINT

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ON THE ARC OF A CIRCULAR CURVE, CONCAVE WEST, THE RADIUS POINT OF WHICH BEARS SOUTH 84°43'55" WEST; THENCE NORTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2,013.50 FEET AND A CENTRAL ANGLE OF 01°05'47" AN ARC DISTANCE OF 38.53 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTH, THE RADIUS POINT OF WHICH BEARS NORTH 16°38'00" EAST; THENCE EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 34.50 FEET AND A CENTRAL ANGLE OF 18°02'12" AN ARC DISTANCE OF 10.86 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°43'23" EAST 348.22 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTH; THENCE EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 599.50 FEET AND A CENTRAL ANGLE OF 14°37'03" AN ARC DISTANCE OF 152.95 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTH; THENCE EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 199.50 FEET AND A CENTRAL ANGLE OF 07°12'06" AN ARC DISTANCE OF 25.08 FEET; THENCE SOUTH 10°20'03" EAST 48.37 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTH, THE RADIUS POINT OF WHICH BEARS SOUTH 09°47'33" EAST; THENCE EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 135.00 FEET AND A CENTRAL ANGLE OF 07°54'40" AN ARC DISTANCE OF 18.64 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWEST; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 79°35'17" AN ARC DISTANCE OF 34.73 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE WEST; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 211.00 FEET AND A CENTRAL ANGLE OF 12°53'43" AN ARC DISTANCE OF 47.49 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°36'07" WEST 36.41 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WEST; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 135.00 FEET AND A CENTRAL ANGLE OF 10°03'01" AN ARC DISTANCE OF 23.68 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EAST; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 256.00 FEET AND A CENTRAL ANGLE OF 10°03'01" AN ARC DISTANCE OF 44.90 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°36'07" WEST 90.73 FEET; THENCE SOUTH 42°05'29" WEST 38.07 FEET TO THE INTERSECTION WITH THE AFORESAID NORTH RIGHT-OF-WAY LIMIT OF CAMPBELL DRIVE (S.W. 312TH STREET) (N.E. 8TH STREET); THENCE SOUTH 86°54'55" WEST ON SAID NORTH RIGHT-OF-WAY LIMIT 56.24 FEET; THENCE SOUTH 88°53'07" WEST ON SAID NORTH RIGHT-OF-WAY LIMIT 491.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 180,335 SQUARE FEET, 4.1399 ACRES.

SAID TRACT OF LAND ALSO KNOWN AS TRACT "E" OF THE PLAT TITLED "HOMESTEAD PAVILION" RECORDED IN PLAT BOOK 167 AT PAGE 17.

**SOUTHERN OUTPARCEL #2:**

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OR BK 26437 PG 2994  
LAST PAGE

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 57 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE NORTH 88°53'07" WEST ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 9 FOR 841.54 FEET; THENCE NORTH 00°36'07" EAST 127.47 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°36'07" EAST 200.66 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHEAST; THENCE NORTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 80.00 FEET AND A CENTRAL ANGLE OF 86°56'48" AN ARC DISTANCE OF 121.40 FEET TO A POINT OF TANGENCY; THENCE NORTH 87°32'55" EAST 798.67 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTH; THENCE EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 670.00 FEET AND A CENTRAL ANGLE OF 07°59'03" AN ARC DISTANCE OF 93.36 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF KINGMAN ROAD, RECORDED IN OFFICIAL RECORDS BOOK 7653, PAGE 916 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE ON SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 3 NUMBERED COURSES AND DISTANCES: 1) SOUTH 65°26'06" WEST 249.01 FEET; 2) SOUTH 71°23'07" WEST 175.84 FEET; 3) SOUTH 49°39'41" WEST 259.42 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF CAMPBELL DRIVE (S.W. 312TH STREET) (N.E. 8TH STREET); THENCE SOUTH 86°54'55" WEST ON SAID NORTH RIGHT-OF-WAY LINE 357.50 FEET; THENCE NORTH 43°44'46" WEST 31.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 181,574 SQUARE FEET, 4.1684 ACRES.

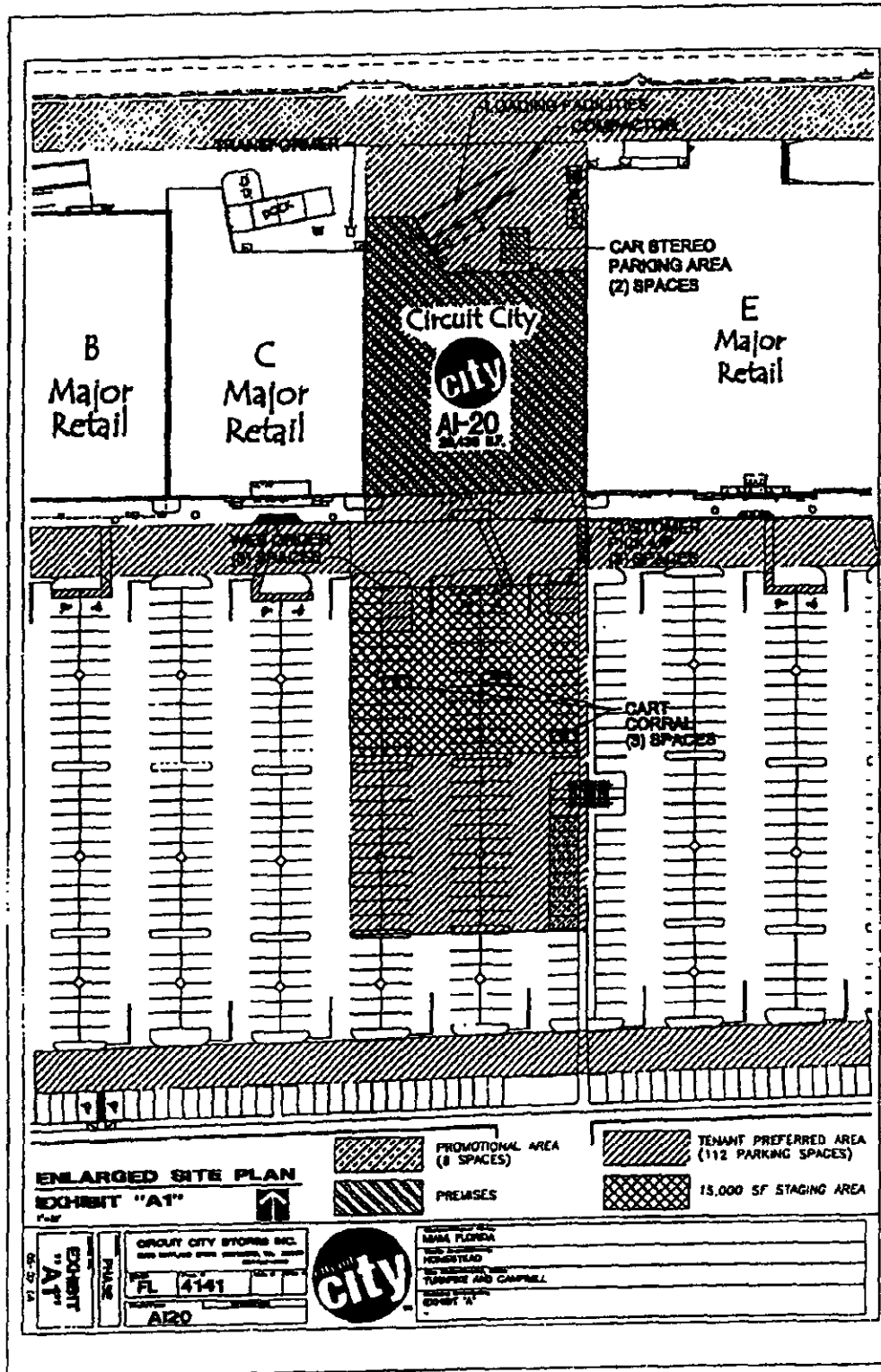
SAID TRACT OF LAND ALSO KNOWN AS TRACT "D" OF THE PLAT TITLED "HOMESTEAD PAVILION" RECORDED IN PLAT BOOK 167 AT PAGE 17.

**RECORDERS NOTE**

The legibility of writing, typing or printing  
unsatisfactory in this document when received

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ATLANTA  
MIAMI  
ORLANDO  
ST. PETERSBURG  
TALLAHASSEE  
TAMPA  
WEST PALM BEACH

## CARLTON FIELDS

ATTORNEYS AT LAW

4221 W. Boy Scout Boulevard  
Suite 1000  
Tampa, Florida 33607-5780  
P.O. Box 3239  
Tampa, Florida 33601-3239

813.223.7000  
813.229.4133 fax  
www.carltonfields.com

February 9, 2009

Clerk, U.S. Bankruptcy Court  
701 East Broad Street  
Richmond, VA 23219-1888

**Re: In re: Circuit City Stores, Inc., et al.**  
**Case No.: 08-35653; Chapter 11**

Dear Sir or Madame:

As I have limited filing privileges and pursuant to the case clerk assigned to the above-referenced case, enclosed for filing please find an original and one copy of a *Section 546(B) Notice of Interest in Property of Circuit City Stores, Inc.* to be filed in the above-referenced case. Please stamp the copy to acknowledge receipt and return in the enclosed self-addressed stamped envelope.

Should you have any questions, please feel free to contact me. Thank you for your assistance.

Sincerely,

  
John J. Lamoureux

JJL/Imm  
Enclosures